



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7507 of 2021

Nelliyan @ Seeman

... Petitioner/Accused
Rank Not Known

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukkottai District.
Crime No. 03 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Karuna V,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhu,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.03 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested on 14.05.2021 for the offences punishable under Sections 14(1),15 of POCSO Act, 67(B)(a) IT Act in Crime No.03 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein using the Identity card of the one Swaminathan had purchased a sim card (9345626234) and downloaded child phonography films and watched the same. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 14.05.2021 and hence, he seeks bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the investigation is not yet completed.

5. Taking note of the fact and circumstances of the case and also the fact that the evidence to be collected and produced are only electronic evidence and the fact that the material part of the investigation is almost over and also the fact that the petitioner is in judicial custody from 14.05.2021, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukottai and on further condition that

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

(ii) the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

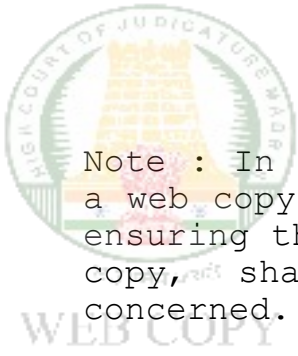
Sd/-
16/06/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SESSIONS JUDGE, MAHILA COURT, PUDUKOTTAI.
2. THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUMAYAM,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.7507 of 2021
Date : 16/06/2021

VB VR SAR III(16/06/2021) 3P / 5c